IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7500 of 2007(F)

(CRIME NO. 409/2007 OF MARARIKULAM POLICE STATION)

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PETITIONERS/ACCUSED 1 & 2:
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1. **MANOJ, S/O.MURALI, AGED 22 YEARS,**
   KULLAKATTU VELI, WARD NO.14,
   MARARIKULAM NORTH PANCHAYATH, S.L.PURAM P.O.,
   ALAPPUZHA.

2. **RENJITH, S/O.PADMINI, AGED 21 YEARS,**
   KUTTERATH, WARD NO.14,
   MARARIKULAM NORTH PANCHAYATH, S.L.PURAM P.O.,
   ALAPPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI.

RESPONDENT/ COMPLAINANT:

STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7500 of 2007

Dated this the 6th day of December 2007

O R D E R

Application for anticipatory bail. Petitioners are accused 1 and 2. Altogether there are only two accused persons. They face allegations under Sections 294(b) and 332 I.P.C. The crux of the allegations is that a KSRTC bus did not allegedly stop at the bus stop. The driver mischievously parked the bus a little away from the bus stand, obliging the passengers to run to the bus. Petitioners were allegedly infuriated and attacked the driver. They allegedly showered obscene words at the driver. There were allegedly physical altercations. They are alleged to have slapped the driver on the face with their hands. No weapon was used. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false. There was no element of physical assault at all. Even if it is true that objections were raised against such conduct of the driver, that cannot be reckoned as culpable at all. Fanciful allegations are being raised

only to vex and harass the petitioners. In any view of the matter, the petitioners may be granted anticipatory bail. They shall fully co-operate with the investigating officers and make themselves available before the investigating officers.

3. The learned Public Prosecutor does not oppose the application and having considered all the relevant inputs, I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 13/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 2 p.m on 14/12/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 13/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 13/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007